

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections set forth in the Office Action dated 25 June 2002 are respectfully requested.

**I. Amendments**

The present amendment amends claims 12, 14, 15, 36, 42, 45, and 50. The amendment to claim 12 broadens the claim by making it depend from claim 1 instead of claim 3. The amendment of claim 42 is a non-narrowing amendment intended to reflect the dependency of claim 42 from an apparatus claim.

**II. The Applied Reference**

U.S. Patent 6,304,715 ("Abecassis") is the sole reference applied in the present Office Action. As explained in more detail below, all of the objections set forth in the current Office Action are predicated on a misapprehension of Abecassis and the undersigned respectfully submits that claims 1-50 define patentability over Abecassis.

At the outset, the undersigned notes that the Examiner relies on Abecassis as prior art under § 102(e). The face of this patent indicates it is a division of Application No. 07/832,335 (now U.S. Patent 6,208,085). U.S. Patent 5,717,814, cited in the Information Disclosure Statement filed 28 April 2000, was issued to Abecassis in 1998 and also claims to be a division of the same parent application.

The background section of the present application acknowledges that a single DVD may enable playback of differently-rated versions of the same work by removing objectionable content. (See, e.g., page 4) Applicants' background also notes that such a scheme requires participation by producers to self-edit their work. Not all producers are willing to do so and the standards they may choose to apply may differ from the standards other individuals may prefer.

Abecassis teaches a mechanism for producers to create a video (e.g., a laser disk) that enables playback of different versions, with the content of each version selected using a "segment map." This map is incorporated in the video itself and only the producer of the video can define the map. As applied to current DVD technology, Abecassis merely suggests one means for producers to generate differently rated versions of the same work on a single pre-recorded DVD. While users are permitted to identify standards for what they prefer to see, only the producer of the DVD would have the right to subjectively define ratings of the content for any particular scene.

### III. Claim 1

Claim 1 calls for a method of creating a playback database. In accordance with this method, a database is created which assigns a content ratings level to at least a portion of a scene. This database is stored on a storage medium **different from the medium that stores the audiovisual work**. This is in direct contrast to the approach taught by Abecassis, in which the producer's segment map is distributed on the same laser disk, for example, which contains the movie itself. As a result, claim 1 is distinguishable from Abecassis and the Examiner's objection under § 102(e) must fall.

The undersigned respectfully submits that claim 1 is patentable over Abecassis under § 103, as well. Abecassis consistently requires that the producer select a segment map which is distributed with the movie or other program on the same laser disk, for example. As discussed at column 8, lines 1-30, this leaves all content rating decisions in the hands of the screenwriter, director, and other producers of the work. Claim 1, however, calls for creating a database which is stored on a medium different from the medium that stores the audiovisual work. In one embodiment, therefore, the method of claim 1 may be used to create a database which is not distributed on the same DVD containing a movie or other program. There is nothing in Abecassis which would lead one of ordinary skill in the art to directly contradict Abecassis's specific teachings to arrive at the claimed invention. Consequently, claim 1 is patentable over Abecassis.

Claims 2-13 depend from claim 1 and are patentable at least on this basis. Many of these claims add limitations that further distinguish Abecassis's teachings. Claim 10, for example, calls for storing the database on a server computer which allows the database to be accessible to client computers. In certain select applications, this permits an independent rating body or a concerned parent to provide a content rating on a scene-by-scene basis according to their own subjective views of the content. Others may access the server computer and rely on the database stored there to inform their viewing of the same movie or other audiovisual work. The undersigned cannot see how Abecassis even remotely suggests such a method.

#### **IV. Claim 14**

Claim 14 is similar in some respects to claim 1. Claim 14, however, calls for uploading a database containing information regarding the content ratings level to an Internet server independently of the audiovisual work. The Examiner acknowledges that Abecassis does not teach uploading the database to the Internet, but contends that doing so would be obvious. Setting aside the Examiner's contention that uploading a database would be obvious in light of Abecassis's teachings, the rejection of claim 14 suffers from many of the same defects noted above in connection with claim 1. Claim 14, therefore, is believed to define patentably over Abecassis.

#### **V. Claim 15**

Claim 15 calls for a method of controlling reproduction of an audiovisual work which includes, *inter alia*, accessing a database stored on a storage medium different from the medium that stores the audiovisual work. Scenes of the audiovisual work are reproduced in accordance with information in the database. Again, this is directly contrary to Abecassis' requirement that the segment map be distributed on the same recording as the program itself. The undersigned respectfully submits that nothing in Abecassis would lead one of ordinary skill in the art to contradict Abecassis's instructions to arrive at the claimed method. Consequently, claim 15 defines patentably

over Abecassis. Claims 16-24 depend from claim 15 are allowable over Abecassis at least on that basis.

**VI. Claim 25**

Claim 25 sets forth an apparatus which includes an input device for assigning a ratings level, a device for creating a database containing an identification of a portion of the work having an assigned ratings level, and a storage medium different from the medium that stores the audiovisual work for storing the database. Abecassis, as discussed repeatedly above, stores the producer-generated segment map on the same laser disk or other medium used to distribute the program. Hence, the present rejection under § 102(e) must fail. The undersigned also sees nothing in Abecassis that would lead one of ordinary skill in the art to produce the claimed apparatus and submits, therefore, that claim 25 defines patentability over Abecassis. Claims 26-35 depend from claim 25 and are believed to be patentable at least by virtue of their dependency from an allowable base claim.

**VII. Claim 36**

Claim 36 calls for an apparatus for controlling playback of an audiovisual work. This apparatus includes a device for accessing a database stored at a first location and a reproduction unit for reproducing scenes of an audiovisual work from a second location in accordance with information in the database. Having a device for accessing a database from a first location and a reproduction unit which reproduces a work from a second location differs from Abecassis's single medium approach. By analogy to the argument set forth above, claim 36 and dependent claims 37-44 are believed to define patentability over Abecassis.

**VIII. Claim 45**

Claim 45, as amended, calls for an audiovisual playback apparatus which includes an audiovisual reproduction unit adapted to read an audiovisual work from an

audiovisual medium, a recording medium separate from the audiovisual medium, and a database stored on the recording medium which includes information which can be used to control the audiovisual reproduction unit. The undersigned respectfully submits that claim 45, as amended, defines patentability over Abecassis. Claims 46-50 depend from claim 45 and are believed to be allowable at least on that basis.

**IX. Conclusion**

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. §112 and patentably define over the sole applied reference. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 264-3848.

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**APPENDIX**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

The paragraph starting on page 1, line 5, has been amended as follows:

This application contains material which is related to U.S. ~~application Serial~~ Application No. 09/492,828, filed January 27, 2000 and entitled "Video Review Apparatus and Method."

**In the Claims:**

Claims 12, 14, 15, 36, 42, 45, and 50 have been amended as follows:

12. (Amended) A method as in claim 31, wherein the act of storing said database includes storing said database on a removable computer readable disk.

14. (Amended) A method of creating a playback database for an audiovisual work comprising the acts of:

assigning a respective content ratings level to at least a portion of a scene of said work;

creating a database containing information identifying the at least a portion of the scene and the content ratings level; and

uploading said database to an Internet server independently of said work.

15. (Amended) A method of controlling reproduction of an audiovisual work comprising the acts of:

accessing a database stored on a storage medium different from the medium that stores the audiovisual work, the database containing information identifying at least a portion of a scene of said work having an assigned content ratings

level which bears a predetermined relationship to a predetermined content ratings level; and

reproducing scenes of said work in accordance with said at least a portion of a scene which are identified in said database.

36. (Amended) An apparatus for controlling playback of an audiovisual work, said apparatus comprising:

a device for accessing a database stored at a first location, the database containing an identification of those scenes of said work having a content ratings level which bears a predetermined relationship to a predetermined content ratings level; and

a reproduction unit for reproducing scenes of said work from a second location in accordance with scenes which are identified in said database.

42. (Amended) ~~An apparatus~~A method as in claim 36, wherein said identifying information identifies those scenes having content ratings level which is greater than said predetermined content ratings level.

45. (Amended) ~~An audiovisual playback stored information apparatus~~ comprising:

an audiovisual reproduction unit adapted to read an audiovisual work from an audiovisual medium;

a recording medium separate from the audiovisual medium; and

a database stored on said recording medium, said database containing information identifying scenes of ~~an~~the audiovisual work which have a content ratings level which bears a predetermined relationship to a predetermined content ratings level, said identifying information being usable to control ~~an~~the audiovisual reproduction unit to reproduce selected scenes of ~~said~~the audiovisual work.

50. (Amended) An apparatus as in claim 45, wherein said audiovisual playback stored information apparatus does not include the audiovisual work medium.